

REMARKS

The Examiner's Action mailed on February 18, 2005, has been received and its contents carefully considered. Additionally attached to this Amendment is a Petition for Two-month Extension of Time, extending the period for response to expire on July 18, 2005. Moreover, also attached to this Amendment is payment for an excess claim fee of \$100.00.

In this Amendment, Applicant has editorially amended the specification, amended claims 1, 3, 5, 7 and 16, and added claims 19-22. Claims 1 and 16 are the independent claims, and claims 1-22 are pending in the application. For at least the following reasons, it is submitted that this application is in condition for allowance.

It is noted that the Examiner's Action has withdrawn claims 12-14 from further consideration as being drawn to a non-elected species, as there allegedly being no allowable generic or linking claim. Moreover, the Examiner has also withdrawn claims 2 and 3 as these claims are allegedly directed to a non-elected species. However, it is respectfully noted that the elected embodiment shown in Figure 7 is substantially similar to the embodiments shown in Figures 1 through Figure 6, with the exception that the streaks shown in the elected embodiment of Figure 7 are inclined. However, and similar to the embodiment shown in Figures 1 through 6, the embodiment of Figure 7 likewise is directed to a piston member 14 which can be rotated relative to a housing 13 and a partition plate 15. Thus, the embodiment of Figure 7 is similar to the embodiment shown in Figures 1 through

6 in that the piston member 14 is axially movable and is also rotatable relative to the housing 13. As such, claims 2 and 3, and 12 through 14 all read upon Applicant's elected species. Examination of these claims is requested.

The Examiner has rejected claims 1, 11 and 15 through 18 as being anticipated by *Grorich* (USP 3,973,781). It is submitted that these claims are *prima facie* patentably distinguishable over the cited reference for at least the following reasons.

Applicant's independent claim 1 is directed to a sealing device which includes a sealing member which includes a sliding contact portion and a plurality of recessed or protruding streaks. The streaks are independent of one another and provided side by side so as to constitute a column on a surface of the sliding contact portion. Each streak is bordered along its entire circumference by the surface of the sliding contact portion so as to separate each streak from an adjacent streak by a space. Claim 16 recites similar features.

In accordance with this claimed invention, when the streaks are recessed, a lubricant can be stored in the recessed streaks. Thus, the sliding contact portion around the recessed streaks, which have the lubricant stored therein, can be brought into contact with a contact surface, to ensure that the sealing member fulfills its sealing function. Alternatively, when the streaks are protruding, the lubricant can be stored surrounding the entire circumference of the protruding streaks. Thus, the sliding contact portion will have the lubricant surrounding the entire circumference of the protruding streaks, and can be brought into contact

with the contact surface to ensure that the sealing member fulfills its sealing function. Moreover, the lubricant stored in the manner discussed above can be supplied to the sliding contact portion in a direction opposite to the sliding direction or the rotating direction with the result that the sliding resistance is reduced between the sliding contact portion and a counterpart member. This claimed invention is neither disclosed nor suggested by the cited reference.

Grorich discloses a self-lubricating seal which includes a plurality of small rhombic facets which are staggered in four stages. Each facet, as best shown in Figure 13, includes a flat, oblique frustopyramid which has a flat sliding surface 2 which is the rhombic top surface of the frustopyramid. However, as is clearly shown, these frustopyramids are disposed immediately adjacent to one another, so that these so-called streaks are not bordered along their entire circumference by a surface of a sliding contact portion, as recited by Applicant's independent claims 1 and 16. Moreover, since these frustopyramids are disposed immediately adjacent to each other, they are not separated from each other by a space, as recited by Applicant's independent claims. Therefore, the configuration disclosed by this reference will not enjoy the advantages associated with Applicant's claimed invention. It is thus submitted that Applicant's independent claims 1 and 16, and the claims dependent therefrom, are *prima facie* patentably distinguishable over the cited reference. It is thus requested that these claims be allowed and that these rejections be withdrawn.

The Examiner's Action has also rejected claims 1 and 4 through 10 as being obvious over *Yomogida* (09-210088). It is submitted that these claims are *prima facie* patentably distinguishable over the cited reference for at least the following reasons.

Initially, it is believed that the Examiner's Action intended to reject these claims as being obvious over the combination of *Yomogida* in view of *Grorich*, since the body of the rejection utilizes the teaching of *Grorich* in establishing the 103 rejection. Moreover, and as acknowledged by the Examiner's Action, *Yomogida* does not disclose or suggest sealing members having a plurality of recessed or protruding streaks, and which are independent of one another and provided side by side so as to constitute a column on a surface of the sliding contact surface. The Examiner's Action thus relies on the teaching of *Grorich* to overcome this deficiency. However, and as noted above, Applicant's claimed streaks are patentably distinguishable over the frustopyramids disclosed by *Grorich*. Moreover, since *Yomogida* does not overcome the above-noted deficiencies of *Grorich*, it is submitted that Applicant's claims 1 and 4 through 10 are *prima facie* patentably distinguishable over the cited references. It is thus requested that these claims be allowed and that these rejections be withdrawn.

It is submitted that this application is in condition for allowance. Such action and the passing of this case to issue are requested.

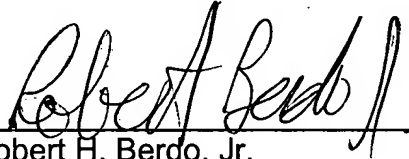
Should the Examiner feel that a conference would help to expedite the prosecution of this application, the Examiner is hereby invited to contact the undersigned counsel to arrange for such an interview.

Should the remittance be accidentally missing or insufficient, the Commissioner is hereby authorized to charge the fee to our Deposit Account No. 18-0002, and advise us accordingly.

Respectfully submitted,

July 15, 2005

Date



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